

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Koninklijke Philips Electronics N.V., et al.,

-against-

Cinram International Inc., et al.,

08 Civ 0515 (RGS)

ORDER ON DEFENDANTS' MOTION FOR RECONSIDERATION

RICHARD G. STEARNS, United States District Judge.¹

Defendants' Motion for Reconsideration [Dkt # 478] is DENIED. The arguments presented by Philips in its Opposition Memorandum are familiar. The court relied in its analysis on the examples of non-compliance (set out in Exhibit A of the Carney Declaration and offered at the January hearing). These have not been materially disputed.

With respect to the parties' exchange of letters regarding trial, the court would consider proceeding to trial against one representative defendant if all of the remaining defendants agree to be bound by the jury's verdict on issues of liability and patent validity. The court would reserve, if a verdict is adverse to defendants, any issues as to damages for separate resolution in a bench or, if requested, a jury trial. The defendants will notify the court of their election within (7) seven business days.

¹Of the District of Massachusetts, sitting by designation.

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Philips will have (5) five business days to respond.

SO ORDERED.

Dated: September 25, 2012

/s/ Richard G. Stearns

United States District Judge